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### MISCELLANY.

A correspondent sends us the subjoined copy of a will, of record in his county. The testator was a negro preacher, and his own draughtsman :

"This is my first and last will while in my sane mind.

"I, J. G. Irvine, do hereby bequeath to his wife Mollie W. Irvine and son Henry all his belongings as follows:

"A house and lot on Lawrence Avenue, being now their dwelling home so long as she lives and hold other part of place. At her death this house belongs to Henry she is to be her guardian.

"Sell off upper part of place pay off all debts.

"All domestics belong to my wife.

Witnesses	{	his	
		SAMUEL M JOHNSON.	
		mark	
		his	
		JOHN M WILSON.	J. G. IRVINE,
		mark	Testator."

FOLLOWING PRECEDENTS, RIGHT OR WRONG.—Judge Sterling B. Toney, of Louisville, Ky., thus paid his respects to the Appellate Court of that State in a recent *nisi prius* opinion. Doubtless there are circuit judges in Virginia who would say amen to these sentiments:

"This court is invited by the learned counsel for the defendant to adopt the views of the learned dissenting judges, and to reverse the decision of the Court of Appeals, in this case, and thereby to afford to the Appellate Court an opportunity, to use the language of the learned counsel, 'to set themselves right on this important question of law.' The invitation is most alluring, especially as it temptingly appeals to that dormant spirit of righteous retaliation and retributive justice that erstwhile inhabits the breast of every *nisi prius* judge in rendering juridical fealty, as they are bound to do, to the capital justiciary of the commonwealth. But this court has been cited to no case that authorizes a circuit judge to apply the equitable doctrine of the *lex talionis* to the Court of Appeals, however great the provocation or seductive the temptation to 'get even with' their appellate honors. The Egyptians enforced the *lex talionis* by making doctors who gave wrong medicine drink their own poison. With us, in law as in medicine, we must receive and swallow what is given us by our official superiors, with an humble prostration of intellect, and bear the consequences with Christian resignation and manly fortitude."

UNANIMITY OF JURIES.—It is said that the oldest K. C. in Great Britain, in point of years, is Mr. Joseph Brown, who recently celebrated his 92d birthday. Some twenty years ago, when a juvenile of 72, he read a paper before the National Association for the Promotion of Social Science in reference to the jury laws, which was as remarkable for its research as for its vigorous language. He strongly

urged a change in the law which required verdicts of juries to be unanimous, and cited colonial precedents for the acceptance of a majority verdict, using these words: "Oh benighted and sacrilegious colonies! What will become of you after abandoning the custom of your forefathers, the sacred number of twelve, and the starving of juries?" This is refreshing from a conservative Britisher. We think Mr. Brown must have been transplanted from one of these colonies. We quote some further observations of his in support of the change which he advocated. "Under the present system a single interested, stupid, or ignorant and perverse juryman has in many cases subdued the others to his will by the mere force of obstinacy and strength of stomach; and has thus entirely frustrated the whole object of the law, and set loose upon society the very worst of criminals. Why are we, in the end of the nineteenth century, to continue a practice which has no other apology than that it has descended to us from our ancestors—that is to say, from some people who burnt witches and heretics and tried causes by battle, who pressed to death those who refused to plead, and starved jurymen who differed in opinion into a base surrender of their honest convictions."—*Canada Law Journal*.

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MARRIAGE AND DIVORCE—JURISDICTION QUASI IN REM.—The case of *Pennoyer v. Neff*, 95 U. S. 714, has settled definitely, if indeed it could ever have been doubted, that a personal judgment against a defendant, who is neither domiciled nor served within the jurisdiction, is invalid. While it is true, then, that on such a judgment the defendant's property, even within the State, cannot be levied on, there are nevertheless certain ways in which such property can be dealt with by the State, although the owner is domiciled elsewhere. The State may take such property by the exercise of eminent domain; it may, if necessary, sell it for the payment of taxes; and it may equally well provide methods of having the rights to it judicially determined by its courts of law. Judicial proceedings, however, require that the property should in some manner be brought either actually or constructively before the court for adjudication, and that parties interested be given a fair chance to be heard.

A question as to what constitutes a fulfilment of the former of these requisites arose in a recent decision in Ohio, where a wife, having been deserted by her husband, brought suit to have a certain amount of alimony made a charge on her husband's property within the jurisdiction. The husband being a non-resident, service was made by publication, and a preliminary injunction was granted restraining him from disposing of the property, but no seizure or attachment took place. The court, however, proceeded and ultimately made a decree in favor of the plaintiff, charging the alimony on the defendant's property. *Benner v. Benner*, 58 N. E. Rep. 569. Now, although it is generally recognized that jurisdiction for divorce exists, if the plaintiff is domiciled within the jurisdiction, though there be no personal service on the defendant, yet it is well settled that no valid judgment for alimony can be given without having the defendant personally within the power of the court. *Rigney v. Rigney*, 127 N. Y. 408; *Lytle v. Lytle*, 48 Ind. 200. The court in the principal case seemed to admit this, and allowed the action as a proceeding *quasi in rem*, relying on the preliminary injunction as being sufficient to bring the property within its control, so as to deal with it judicially. This, however, seems hardly sound. An injunction assumes for its validity per-

sonal jurisdiction over the defendant himself; without that, it is a mere nullity. The object of seizure in the ordinary case is not merely to inform the owner of the property of the proceedings which are going on, but to give the court jurisdiction by bringing the property within its control. While it would, perhaps, be difficult to define just what steps are necessary for this purpose, it seems impossible to regard a void order as a sufficient taking charge of the property. Further, it cannot be contended that the fact that the petition expressly asks relief as to the land in question will of itself operate to bring the defendant's title to that land before the court; for such reasoning would render service on a garnishee unnecessary in any case. We have then simply a case where neither the property, nor the defendant, nor any one owning an interest in the property, are before the court. The mere assertion of control over property cannot actually give control any more than the mere assertion of jurisdiction over the person of the defendant will give validity to a personal judgment against him.—*Harvard Law Review*.

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STATE GAME LAWS—IMPORTATION UNDER.—The close check that the Federal commerce clause puts upon State legislation is again illustrated by two recent cases involving the right to make possession of game unlawful during the close season. A law of New York is declared unconstitutional so far as it applies to imported fish. *People v. Buffalo Fish Co.*, 58 N. E. 35. This overrules *Phelps v. Racey*, 60 N. Y. 10, where, under a similar law, a defense that the game had been imported from Illinois and Minnesota was held unavailing, it would seem because Congress had not legislated thereon. This latter is no longer law. The right to regulate foreign and interstate commerce is given to Congress and imposes upon the States the duty not to interfere. So a State cannot prevent the importation of liquor. *Leisy v. Hardin*, 135 U. S. 100. The same doctrine was again applied in *Minnesota v. Barbours*, 136 U. S. 313, where it was held incompetent for a State to exclude beef killed outside of the State, by compelling an inspection twenty-four hours before the killing. The latest pronouncement is that a State cannot exclude a healthy product like oleomargarine. *Schollenberger v. Pennsylvania*, 171 U. S. 1. It would seem, therefore, that if the States are powerless to prohibit the importation of liquor and oleomargarine, which they deem injurious to the public welfare, or to provide inspection laws considered necessary as a health regulation, they are equally helpless to protect their own game if importation, by making evasion of their laws easy, practically destroys their effect. So it was held *In re Davenport*, 103 Fed. Rep. 540 (Cir. Ct. Wash.)

The commerce clause prohibits the States from putting any direct burden upon foreign or interstate commerce. Under it a State can, in the exercise of its police power, interfere with commerce indirectly, provided it acts reasonably and in good faith. It is free to pass laws facilitating such commerce so long as Congress remains from the field. But the line of the legitimate exercise of its police power, with its indirect effect upon commerce other than internal, is separated but by a hair's breadth from the power that is Congress' alone. We do not think the argument of the three dissenting judges in favor of the State's right to legislate far enough to make its game laws effectual, can withstand the authority of *Leisy v. Hardin*, 135 U. S. 100, which is directly against this power, and which it is certainly a defect in the opinion not to mention. Of itself, the consumption of

imported game tends to preserve the local supply. If it is prevented merely because its remote effect may be to render the evasion of game laws easier, it seems to make the innocent suffer for the guilty, and may be objectionable as an unreasonable restraint upon commerce. The people of one State have a right to buy wholesome products of the people of another, and State legislation cannot restrict this without good cause. *Minnesota v. Barbour*, 136 U. S. 313.

At all events, it is too late now to question the wisdom or unwisdom of the rule laid down in *Leisy v. Hardin*, *supra*. It is certainly an odd result worked out under the very same commerce clause, that a State which can prohibit absolutely the exportation of its game (*Geer v. Connecticut*, 161 U. S. 519) should be powerless to restrain its importation, which is equally effective, it is contended, to render nugatory the object desired.—*Yale Law Journal*.

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THE TORRENS SYSTEM.—At the recent meeting of the State Bar Association at the White Sulphur Springs the discussion of the adoption of the Torrens System of Land Registration developed the fact that few of the members of the Association knew anything about the system. For the benefit of those interested, we print below an extract from Mr. Massie's paper on the subject, read at the meeting of the Association last year:

"Our present system only provides for the registration of certain *evidences of title, and actually perpetuates defects upon the record*. It is the peculiar distinction of the Torrens System that it provides for the *registration of titles, absolute and indefeasible*, leaving no room for anything to appear in derogation thereof. These may be said to be its leading features: *It clears titles, it registers titles, it facilitates and cheapens transfers of titles*.

"It also provides for an assurance fund, raised by a small tax upon all who have their titles registered, out of which those who have suffered any loss or damage to their rights by reason of proceedings under the act shall be pecuniarily compensated. It also provides that personal representatives of decedents shall have the same powers over realty they have over personalty, though it does not undertake to alter the statutes of descents and distributions. After lands have once been registered, they cannot be withdrawn from the provisions of the act, but it is entirely optional with the owner whether or not he will have his land registered; in other words, the old and the new systems may exist side by side.

"The method of procedure may be briefly outlined as follows:

"If one wishes to have his land registered, application must be made to the proper court or officer, setting forth a description of the land and a statement of the title of the applicant. Provision is made for official examination of the title and notification to adverse claimants and to all the world, by publication and other methods, that proceedings are pending for the registration of the title. If any adverse claims arise, they are judicially disposed of by the court; and if no such claims are asserted within a specified time the title is duly registered in the name of the applicant in the county where the land lies. When the title is so registered, two certificates are made, the original being kept on file in the 'Register of Titles,' in the proper clerk's office, and the owner being given a duplicate certificate setting forth his title and describing the land. Thereafter no transfer of title can be legally made unless endorsed upon the original and the owner's certificates

by the registrar ; and any change of title, whether voluntary or involuntary, must be likewise so endorsed. In case of a complete transfer of title, the old certificate must be surrendered and cancelled, and a new certificate is issued to the new owner. In this way the material facts appear upon the face of every certificate, and no examination of title is required. There are other details which need not be mentioned now, as they will be illustrated and brought out in the discussion of the statutes passed by the Commonwealth of Massachusetts and other States."

As an illustration of the disadvantages of the old system, Mr. Massie quotes as follows from a paper by Hon. Charles F. Libby, read before the Maine State Bar Association some years ago :

"Lately the Jumel property was cut up into one thousand three hundred and eighty-three pieces or parcels of real estate, and sold at partition sale. There appears to have been about three hundred purchasers at that sale, and no doubt each buyer, before he paid his money, carefully employed a good lawyer to examine the title to the lot or plot that he had bought, so that three hundred lawyers, each of them, carefully examined and went through the same work, *viz.*: The old deeds and mortgages and records affecting the whole property (for it had never been cut up before, and each had to examine the title of the whole, no matter how small his parcel) and each of them searched the same volumes of long lists of names, and picked out from the thirty-five hundred volumes of deeds and mortgages in the New York Begistrar's office the same big, dusty volumes of writing, and lifted them down and looked them through, in all three hundred times of the very same labor. Evidently two hundred and ninety-nine times that labor was thrown away; done over and over again uselessly; and the clients, those buyers, together paid three hundred fees to those lawyers (who each earned his money), but evidently two hundred and ninety-nine of those fees were for repetitions of the very same work.

"By and by, twenty years from now, instead of only three hundred owners of these Jumel plots, the whole one thousand three hundred and eighty-three lots will be sold and built upon, and one thousand three hundred and eighty-three new purchasers will again pay one thousand three hundred and eighty-three lawyers one thousand three hundred and eighty-three fees, for examining that same Jumel title, only the fees will be larger, for there will by that time (at the present rate of growth and unless a remedy is applied) be fully ten thousand big folio volumes in the new Hall of Records which the legislature has just authorized to be built in the city, and the one thousand three hundred and eighty-three fees will be for more repetitions of labor so far as the whole Jumel estate is concerned, and will be practically wasted. This sort of thing is daily repeated, year in and year out, in this city, over the whole of its surface. And the same thing happens in regard to loans on bonds and mortgages. Every man who thus lends money must have the title examined, and very properly so, and the borrower has to pay for the same old searches against the same old names, and pay the same old fees. The tax which the real estate in New York city thus annually pays amounts to more than one per cent. of the real value of the property sold and mortgaged."

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FEDERAL COMMON LAW.—Much surprise may be occasioned by the statement that there is any such thing as a Federal common law. Courts have so often said there is none that, in spite of some very plain facts which disprove it, the state-

ment has been generally accepted. In the case of *Wheaton v. Peters*, 8 Pet. 658, 8 L. ed. 1080, the opinion of the court by Mr. Justice McLean said: "It is clear there can be no common law of the United States. The Federal government is composed of twenty-four sovereign and independent States, each of which may have its local usages, customs, and common law. There is no principle which pervades the Union and has the authority of law that is not embodied in the Constitution or laws of the Union. The common law could be made a part of our Federal system only by legislative adoption." As late as 1887, in the case of *Smith v. Alabama*, 124 U. S. 465, 31 L. ed. 508, Mr. Justice Matthews, writing the opinion of the court, emphatically declared that there would be no legal obligation, either *ex contractu* or *ex delicto*, on the part of a carrier to those who employed him, except for the local law of each State, and that, "if the local law is held not to apply where the carrier is engaged in foreign or interstate commerce, then, in the absence of laws passed by Congress or presumed to be adopted by it, there can be no rule of decision based on rights and duties supposed to grow out of the relation of such carriers to the public or to individuals. In other words, if the law of the particular State does not govern that relation and prescribe the rights and duties which it implies, then there is, and can be, no law that does, until Congress expressly supplies it, or is held by implication to have supplied it, in cases within its jurisdiction over foreign and interstate commerce." These declarations put in the strongest possible language the proposition that there can be no common law in the Federal courts except as they enforce the common law of the respective States.

This doctrine was for a long time accepted without much question, in spite of the fact that the Federal courts were all the time actually rendering decisions which had no foundation whatever except the common law. Such, for instance, is the decision in *New York Central R. Co. v. Lockwood*, 17 Wall. 357, 21 L. ed. 627, in which it was held that a contract made in New York, exempting a railroad company from liability for negligence, was contrary to public policy, and therefore void in the Federal courts, although in the courts of the State of New York the contract would be enforced as valid. Though the Federal court adopted a different common law on this question from that of the State tribunals, Mr. Justice Matthews, in the case of *Smith v. Alabama*, somewhat amusingly says that "the law as applied is none the less the law of that State." The justice does not explain how the Federal courts were given the power to make State law. If the common law applied in such case is State law, what business has the Federal court to repudiate the common-law doctrine there established, and make a different one for that State?

A similar situation has been created in respect to questions of commercial law. As an exception to the general doctrine that Federal courts follow State decisions on property rights in the different States, there is a long line of cases holding that the Federal courts are not controlled by State decisions on questions of general commercial law. These questions, like the question of public policy, when not based on any statute, are questions of common law purely. Yet the Federal courts, while persisting in the denial that they had any common law, have repudiated some of the common-law doctrines of the States, and have created their own body of common-law doctrines.

Facts of this kind make the existence of a body of Federal common law so plain

that its denial is strange. It is therefore gratifying to find that the Supreme Court of the United States has expressly decided in a recent case that the common law does give a rule of decision in a Federal court, on a right not covered by Federal statutes nor by State laws. This was the case of *Western Union Telegraph Co. v. Call Publishing Company*, Advance Sheets U. S., in which the claim was made that the State laws could not apply to an unjust discrimination in rates in a matter of interstate commerce, and that, as the Federal statutes made no provision on that subject, and as there was no Federal common law, there was no law of any kind that controlled. This claim is certainly sustained by the above-quoted opinion of Mr. Justice Matthews in *Smith v. Alabama*; but, on the contrary, the court holds in the present case "that the principles of the common law are operative upon all interstate commercial transactions, except so far as they are modified by congressional enactment." The court refers with approval to the opinion of District Judge Shiras in *Murray v. Chicago & N. W. R. Co.*, 62 Fed. Rep. 24, as one in which is collated a number of extracts from opinions, "all tending to show the recognition of a general common law existing throughout the United States, not, it is true, as a body of law distinct from the common law enforced in the States, but as containing the general rules and principles by which all transactions are controlled, except so far as those rules and principles are set aside by express statute."

Exactly what is meant by denying that this common law of the Federal courts is "a body of law distinct from the common law enforced in the States" is not quite clear. It certainly does not mean what Mr. Justice Matthews meant when he said the common law administered by a Federal court is the common law of a State. By applying the common law to interstate commerce the court in the present case does exactly what Mr. Justice Matthews said could not be done. If the common law administered by Federal courts in cases outside the range of State law is not a Federal common law, what is it? And, when this body of common-law doctrines which the Federal courts administer differs from the common law as the State courts enforce it, why is it not "distinct from" the common law enforced in the States? The language quoted may well mean merely to express the substantial unity of all the common law of this country, and to say that both Federal and State courts look to the same source for their rules of decision in matters not covered by statutes. It can hardly mean more than this. The common law of the Federal courts is as distinct from that of any State as the common law of one State is from that of another. In other words, the different jurisdictions, whether Federal or State, though looking to the same body of common law for rules of decision, act independently of each other in so doing. There is a Federal common law in the same sense that there is a different common law for each State. Whatever may be meant by the form of language used, it is certain that the supreme tribunal, notwithstanding the emphatic declarations to the contrary contained in earlier opinions of that court, now recognizes the existence of a Federal common law which the Federal courts administer unfettered by State decisions, not only where the State courts have concurrent jurisdiction, but also where the matters involved are not subject to any State law, but are exclusively within Federal control.—*Case and Comment.*

REPORT OF THE COMMITTEE OF THE VIRGINIA STATE BAR ASSOCIATION ON  
LEGAL EDUCATION AND ADMISSION TO THE BAR.—

*To the Virginia State Bar Association :*

The Committee on Legal Education and Admission to the Bar begs leave to report that, by reason of the excellent work and valuable suggestions previously made by this committee, before its present members had the honor to serve upon it, and in consequence of the cordial coöperation of the legislature in adopting, and the Judges of the Supreme Court of Appeals in carrying out, these suggestions, but little has been left for the attention of the present committee. This doubtless accounts for the absence of any report from this committee since 1897.

There was never a time in the history of the profession when members of the bar took such lively interest as now in the subject of legal education. The law journals during the past few years have been filled with the literature of the subject, and it is a favorite theme for discussion at the meetings of the various bar associations. Increased impetus has been given to the movement for more liberally educated lawyers by the formation, a few years ago, of a section on Legal Education by the American Bar Association. This section meets annually at the same time and place with the Association, and its deliberations and discussions have provoked a widespread interest.

The subject has been taken up by the Law Schools, and at the last meeting of the American Bar Association there was formed an Association of American Law Schools, having for its object the increased efficiency of the Law Schools and a broader culture, literary and professional, for those who aspire to professional honors and emoluments.

The rules of this Association require: (1) An entrance examination with a standing equivalent to a high school course of study; (2) A course of professional study, covering at least two years of thirty weeks each, with at least ten hours of class-work for each student—this period to be increased to three years after the year 1905; (3) Degrees to be conferred only after examination; and (4) The school to own or have access to a library containing the reports of the State in which the school is located and of the United States Supreme Court.

None of the Law Schools south of the Potomac, or east of the Mississippi, have as yet joined this Association, with the single exception of the University of Tennessee. The requirements seem reasonable, and could easily be met by most of the Southern schools, except that of the three years' course after 1905.

Considerations of the financial circumstances of the average law student in the South, and the further consideration that most of the Southern schools continue for a period of forty weeks each session, with prescribed class-work of twelve to fifteen hours each week, seem to have led to the general conviction among these schools that the time has not come for the extension of their courses to three years. Indeed, of the more than one hundred law schools in the United States, but twenty-seven have thus far become members of the Association, and of these, twenty-three already had a prescribed course of three years. The general tendency in the direction of a three years' course of study, however, is shown by the fact that fifty-two of the one hundred and two law schools of the country have adopted that requirement, and several have extended the period to four years. Most of the Southern schools offer a two years' course, but many of these, unfortunately, do not demand this period of attendance as essential to graduation.

In nearly all of the States, the old farce of a pretended examination, with the custom of admitting every mother's son who applies, has happily disappeared, and applicants are required to pass rigid examinations, with a fairly high standard of excellence, as a condition of admission to the bar. In a majority of the States, the mere ability to answer a certain percentage of the questions on the bar examination is not deemed sufficient, but, in addition, the applicant is required to produce satisfactory evidence that he has diligently pursued the study of the law for at least two years, and in many instances three years, either at a law school or under the instruction of a practicing attorney. The object of this requirement is the salutary one of making sure that the applicant has not merely crammed up for the examination, and as a guarantee that he has digested some of his legal acquisitions, and could, if called upon, answer some questions outside of the examination paper or the quiz-book.

Nor is this marked tendency toward improving the tone of the bar by improving the mental calibre of those from whom its ranks are annually recruited confined to mere professional training. Recognizing the fact that the law is peculiarly an intellectual pursuit, and that general education tends to improve the morals, increased attention is being paid to the literary qualifications of applicants, and in a large number of the States no candidate is eligible for admission who does not produce satisfactory evidence of academic training at least equivalent to that of a high school course. The following statistics may prove of interest in this connection :

In eleven States applicants are required to produce evidence of academic training equivalent to a high school course. In how many others is regarded the obvious unfitness of the applicant by reason of his deficiency in general education, the committee was unable to ascertain.

In eleven States applicants, before being eligible, are required to produce evidence of having pursued their legal studies for at least two years (at a law school or under the tuition of a practitioner), and in eighteen others this requirement is extended to three years—making a total of twenty-nine States exacting a period of from two to three years of legal study as a condition to standing the bar examination. The Southern States included in this list are, Louisiana (two years), Maryland (three years), North Carolina (two years), and West Virginia (two years).

It is interesting to notice, in passing, that in twenty-seven States candidates are required to pay a fee for the privilege of being examined—these fees ranging from five to thirty-five dollars—the average being about \$15. Included in the list, are the following Southern States, namely, Georgia (\$15 plus \$5 for the license), Louisiana (\$10), Maryland (\$25), Mississippi (\$15), North Carolina (\$20), South Carolina (\$5), and West Virginia (\$5).

The committee suggests for the consideration of this Association, whether the cause of legal education in this State would not be furthered in the direction of that progress which many of our sister States have made and are making, by some amendment of the present rules of admission. It is understood that our Supreme Court of Appeals applies the test of the applicant's professional knowledge only, without regarding lack of general education, howsoever glaring. The published rules of the court do not require candidates to exhibit any evidence of general education. Doubtless a recommendation from this body that the rules be amended

in this respect, and that no applicant be passed whose general education, as exhibited in his examination paper, is so deficient as, in the opinion of the judges, to render him unfit to enter upon the practice of the law, would meet with a favorable response by the court.

We believe we are safe in saying that the court will go as far, within its jurisdiction, toward raising the standard of admission, as this Association will recommend, and to the extent that the bar will sustain it. As the statute gives the court unlimited discretion in fixing the qualifications of applicants,\* no new legislation seems needed.

The committee believes, further, that the requirement that applicants shall have studied law for at least two years, would be a wise step in the direction of weeding out unfit candidates. The American Bar Association has recommended that three years be required.

If it be objected that the changes proposed will deter worthy young men who, from the *res angusti domi* have been unable to fulfill the required conditions, and whose pecuniary circumstances render it essential that they should hasten into the profession ill-prepared, with the expectation of preparing themselves afterwards, the answer is, that while some of these, in rare instances, become successful lawyers, and ornaments to the profession, it is nevertheless true that from this class, the shyster and the ambulance-chaser in large measure come.

In a recent address by Mr. Justice Brewer on this subject, in answer to the objection mentioned, he said: "A perfect answer is, that a great many ought to be deterred. A great multitude is crowding in who are not fit to be lawyers, who disgrace the profession after they are in it, and who, in a scramble after a livelihood, are debasing the noblest of professions into meanest of avocations."

We cannot more appropriately close this already too voluminous report than with an extract from a recent paper by the distinguished Judge Finch, late of the New York Court of Appeals, read before the New York State Bar Association at Albany—a paper characterized by its learned and venerable author as possibly the last service he could render to his native State.

The paper was a plea for a higher standard, and a more extensive course of legal study, than was demanded in New York, namely, two years of legal study by a college graduate or three years by a non-graduate:

"If, therefore, the changes I advise do lessen the number of applicants for admission to the bar I regard such result as a benefit and not a harm. The deterrent effect of these changes will keep out no young man who is fit to succeed and determined to succeed, but the very increased effort will make him a stronger and a better man and more worthy and more likely to win in the struggle for place and reputation. We need not fear for such men. No severity of preparation or length of study will scare them away. They are the stuff of which good lawyers are made, and will not shrink from the labor or the time required. Rather they will welcome it as giving room for that thorough and deliberate study which they know to be an imperative necessity. I do not worry about them. They are as sure to come to us as they are to live. But the change *will* tend to shut the door

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\*"Any three or more judges of the Supreme Court of Appeals, acting together, may, under such rules and regulations, and upon such examination, both as to learning and character as may be prescribed by the said court, grant to any male citizen over the age of twenty-one years, who has resided in this State six months preceding his application, a license to practice law in the courts of this State."—Acts 1901, p. 346.

on the idle, the lazy, and the unprepared. The members of the medical profession have already shut that door and locked it. They require a full high school course as the minimum of preparation, and then four years of study in some approved school of medicine. They do not except or prefer the college graduate. He may be, he often is, better prepared, but the four years of study are essential and are exacted. Even the veterinary student may not doctor a horse unless he has studied for two years in a competent institution. Is the law so much easier, so much simpler, so much less loaded with responsible duty, that a college graduate may practice it after a two years' lingering in a law office and a non-graduate in one year more? I mean to free myself from all responsibility for the situation, for it borders on disgrace to see the profession which should outrank all the rest trailing far in the rear, and tempting, with its easy-swinging doors, a scramble of the unfit."